

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
David Kirn and Steve H. Thorne

Serial No.: 10/524,932

Filed: January 4, 2006

For: METHODS AND COMPOSITIONS
CONCERNING POXVIRUSES AND
CANCER

Group Art Unit: 1648

Examiner: Unknown

Atty. Dkt. No.: KIRN:002US

Confirmation No.: 1635

CERTIFICATE OF ELECTRONIC SUBMISSION

DATE OF SUBMISSION: December 18, 2006

INFORMATION DISCLOSURE STATEMENT

MS AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56, it is respectfully requested that this Information Disclosure Statement be entered and the documents listed on attached Form PTO-1449 be considered by the Examiner and made of record. Copies of the listed documents required by 37 C.F.R. § 1.98(a)(2) are enclosed for the convenience of the Examiner.

In accordance with 37 C.F.R. § 1.97(g), (h), this Information Disclosure Statement is not to be construed as a representation that a search has been made, and is not to be construed to be

an admission that the information cited is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

The present Information Disclosure Statement is being filed prior to the receipt of a first Official Action reflecting an examination on the merits, and hence is believed to be timely filed in accordance with 37 C.F.R. § 1.97(b). No fees are believed to be due in connection with the filing of this Information Disclosure Statement, however, should any fees under 37 C.F.R. § 1.16 to 1.21 be deemed necessary for any reason relating to these materials, the Commissioner is authorized to deduct the appropriate fees from Fulbright & Jaworski Deposit Account No.: 50-1212/KIRN:002US.

Applicants respectfully request that the listed documents be made of record in the present case.

Respectfully submitted,



Charles P. Landrum
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Agent for Applicants

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Date: December 18, 2006

Form PTO-1449 (modified)

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Serial No.

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List of Patents and Publications for Applicant's

Applicant

David Kirn

Steve H. Thorne

INFORMATION DISCLOSURE STATEMENT

(Use several sheets if necessary)

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U.S. Patent Documents

Exam. Init.	Ref. Des.	Document Number	Date	Name	Class	Sub Class	Filing Date of App.
	A1	5,151,509	09/29/92	Kowtal <i>et al.</i>	536	23.2	12/16/88
	A2	5,719,054	02/17/98	Boursnell <i>et al.</i>	435	320.1	11/08/93
	A3	5,739,169	04/14/98	Ocain <i>et al.</i>	514	658	05/31/96
	A4	5,801,005	09/01/98	Cheever <i>et al.</i>	435	7.24	03/31/95
	A5	5,824,311	10/20/98	Greene <i>et al.</i>	424	138.1	11/30/94
	A6	5,830,880	11/03/98	Sedlaczek <i>et al.</i>	514	44	04/18/97
	A7	5,846,945	12/08/98	McCormick	514	44	06/07/95
	A8	5,871,740	02/16/99	Smith	424	186.1	09/26/96
	A9	6,093,700	07/25/00	Mastrangelo <i>et al.</i>	514	44	02/20/97
	A10	6,177,076	01/23/01	Lattime <i>et al.</i>	424	93.6	12/07/98
	A11	6,265,189	07/24/01	Paoletti <i>et al.</i>	435	70.1	06/02/95
	A12	6,355,252	05/12/02	Smith <i>et al.</i>	424	232.1	02/23/98

Foreign Patent Documents

Exam. Init.	Ref. Des.	Document Number	Date	Country	English
	B1	WO 00/73479	12/07/00	WIPO	English

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	C1	Adams <i>et al.</i> , "Clinical studies of human papilloma vaccines in pre-invasive and invasive cancer," <i>Vaccine</i> , 19(17-19):2549-56, 2001.
	C2	Alcamí and Smith, "A soluble Receptor for Interleukin-1beta encoded by Vaccinia Virus: A Novel Mechanism of Virus Modulation of the Host Response to Infection," <i>Cell</i> , 71(1):153-67, 1992.

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INFORMATION DISCLOSURE STATEMENT — PTO-1449 (MODIFIED)

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	C3	Alcami and Smith, "The vaccinia virus soluble interferon-gamma receptor is a homodimer," <i>J Gen Virol.</i> , 83(Pt 3):545-9, 2002.
	C4	Alcami <i>et al.</i> , "Poxviruses: Capturing Cytokines and Chemokines," <i>Sem Virol.</i> , 5:419-427, 1998.
	C5	Alcami <i>et al.</i> , "The vaccinia virus soluble alpha/beta interferon (IFN) receptor binds to the cell surface and protects cells from the antiviral effect of IFN," <i>J Virology</i> , 74(23):11230-11239, 2000.
	C6	Alcami <i>et al.</i> , "Vaccinia virus strains Lister, USSR and Evans express soluble and cell-surface tumour necrosis factor receptors," <i>J Gen Virol.</i> , 80(Pt 4):949-59, 1999.
	C7	Alimonti <i>et al.</i> , "TAP expression provides a general method for improving the recognition of malignant cells in vivo," <i>Nature Biotech.</i> , 18(5):515-520, 2000.
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	C9	Arakawa <i>et al.</i> , "Clinical trial of attenuated vaccinia virus AS strain in the treatment of advanced adenocarcinoma," <i>J Cancer Res Clin Oncol.</i> , 113:59-88, 1987.
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	C11	Berwin <i>et al.</i> , "Virally induced lytic cell death elicits the release of immunogenic GRP94/gp96," <i>J Biol Chem.</i> , 276(24):21083-8, 2001.
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	C14	Blasco and Moss, "Role of cell-associated enveloped vaccinia virus in cell-to-cell spread," <i>J Virology</i> , 66(7):4170-4179, 1992.
	C15	Blasco <i>et al.</i> , "Dissociation of progeny vaccinia virus from the cell membrane is regulated by a viral envelope glycoprotein: effect of a point mutation in the lectin homology domain of the A34R gene," <i>J Virology</i> , 67(6):3319-3325, 1993.

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	C16	Bowle <i>et al.</i> , "A46R and A52R from vaccinia virus are antagonist of host IL-1 and toll-like receptor signaling," <i>Proc Natl Acad Sci USA</i> , 97(18):10162-10167, 2000.
	C17	Boyd <i>et al.</i> , "Adenovirus E1B 19 kDa and Bcl-2 proteins interact with a common set of cellular proteins," <i>Cell</i> , 79:341-351, 1994.
	C18	Bukowski <i>et al.</i> , "Signal transduction abnormalities in T lymphocytes from patients with advanced renal carcinoma: clinical relevance and effects of cytokine therapy," <i>Clin Cancer Res</i> , 4(10):2337-2347, 1998.
	C19	Burke, "Cytokines (IFNs, TNF-alpha, IL-2 and IL-12) and animal models of cancer," <i>Cytokines Cell Mol Ther</i> , 5(1):51-61, 1999.
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	C21	Chen <i>et al.</i> , "Low-dose vaccinia virus-mediated cytokine gene therapy of glioma," <i>J Immunother</i> , 24:46-57, 2001.
	C22	Christodoulides <i>et al.</i> , "Immunization with recombinant class 1 outer-membrane protein from <i>Neisseria meningitidis</i> : influence of liposomes and adjuvants on antibody avidity, recognition of native protein and the induction of a bactericidal immune response against meningococci," <i>Microbiology</i> , 144(Pt 11):3027-3037, 1998.
	C23	Colamonici <i>et al.</i> , "Vaccinia virus B18R gene encodes a type 1 interferon-binding protein that blocks interferon alpha transmembrane signaling," <i>J Biol Chem</i> , 270:15974-15978, 1995.
	C24	Cannon, "Tumor necrosis factor receptors encoded by poxviruses," <i>Mol Genet Metab</i> , 67(4):278-82, 1999.
	C25	Davidson <i>et al.</i> , "Intralesional cytokine therapy in cancer: a pilot study of GM-CSF infusion in mesothelioma," <i>J Immunother</i> , 21(5):389-398, 1998.
	C26	Dobbelstein and Shenk, "Protection against apoptosis by the vaccinia virus SPI-2 (B13R) gene product," <i>J Virology</i> , 70:6479-6485, 1996.
	C27	Doehn and Jocham, "Technology evaluation: TG-1031, Transgene SA," <i>Curr Opin Mol Ther</i> , 106-11, 2000.

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	C28	Durrant and Spendlove, "Immunization against tumor cell surface complement-regulatory proteins," <i>Curr Opin Investig Drugs</i> , 2(7):959-966, 2001.
	C29	Eliopoulos <i>et al.</i> , "The control of apoptosis and drug resistance in ovarian cancer: influence of p53 and Bcl-2," <i>Oncogene</i> , 11(7):1217-1228, 1995.
	C30	Feng <i>et al.</i> , "Induction of CD8+ T-lymphocyte responses to a secreted antigen of Mycobacterium tuberculosis by an attenuated vaccinia virus," <i>Immunol Cell Biol.</i> , 79(6):569-75, 2001.
	C31	Gardner <i>et al.</i> , "Vaccinia virus semaphorin A39R is a 50-55 kDa secreted glycoprotein that affects the outcome of infection in a murine intradermal model," <i>J Gen Virol.</i> , 82(Pt 9):2083-93, 2001.
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	C35	GenBank Accession Number AF349003
	C36	GenBank Accession Number AF349004
	C37	GenBank Accession Number AF349005
	C38	GenBank Accession Number AF349006
	C39	GenBank Accession Number AF349007
	C40	GenBank Accession Number AF349008
	C41	GenBank Accession Number AF349009
	C42	GenBank Accession Number AF349010
	C43	GenBank Accession Number AF349011
	C44	GenBank Accession Number AF349012
	C45	GenBank Accession Number AF349013
	C46	GenBank Accession Number AF349014
	C47	GenBank Accession Number AF349015

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	C48	GenBank Accession Number AF349016
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	C50	GenBank Accession Number AJ309297
	C51	GenBank Accession Number AJ312293
	C52	GenBank Accession Number AJ314914
	C53	GenBank Accession Number AJ314915
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	C56	Grant <i>et al.</i> , "Systemic administration of a recombinant vaccinia virus expressing the cytosine deaminase gene and subsequent treatment with 5-fluorocytosine leads to tumor-specific gene expression and prolongation of survival in mice," <i>Cancer Res.</i> 59(14):3396-3403, 1999.
	C57	Goebel <i>et al.</i> , "The complete DNA sequence of vaccinia virus," <i>Virology</i> , 179(1):247-266 and 517-563, 1990.
	C58	Gomella, <i>et al.</i> , "Phase I study of intravesical vaccinia virus as a vector for gene therapy of bladder cancer," <i>J Urol</i> , 166:1291-5, 2001
	C59	Graham <i>et al.</i> , "The T1/35kDa Family of Poxvirus-Secreted Proteins Bind Chemokines and Modulate Leukocyte Influx to Virus-Infected Tissues," <i>Virology</i> , 229(1):12-24, 1997.
	C60	Gross <i>et al.</i> , "BCL-2 family members and the mitochondria in apoptosis," <i>Genes Dev.</i> 13(15):1899-1911, 1999.
	C61	Hanibuchi <i>et al.</i> , "Therapeutic efficacy of mouse-human chimeric anti-ganglioside GM2 monoclonal antibody against multiple organ micrometastases of human lung cancer in NK cell-depleted SCID mice," <i>Int J Cancer</i> , 78(4):480-485, 1998.
	C62	Hawkins <i>et al.</i> , "Oncolytic biotherapy: a novel therapeutic platform," <i>Lancet Oncol</i> , 3(1):17-26, 2002.
	C63	He <i>et al.</i> , "Viral recombinant vaccines to the E6 and E7 antigens of HPV-16," <i>Virology</i> , 270(1):146-161, 2000.

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	C65	Hellstrand <i>et al.</i> , "Histamine and cytokine therapy," <i>Acta Oncol</i> , 37(4):347-353, 1998.
	C66	Hermiston, "Gene delivery from replication-selective viruses: arming guided missiles in the war against cancer," <i>J Clin Invest</i> , 105:1169-1172, 2000.
	C67	Holzer <i>et al.</i> , "Highly efficient induction of protective immunity by a vaccinia virus vector defective in late gene expression," <i>Journal of Virology</i> , 73(6):4536-4542, 1999.
	C68	Honey <i>et al.</i> , "Chemokines: Agents for the Immunotherapy of Cancer?", <i>Nature Rev Immunol</i> , 2:175-184, 2002.
	C69	Hui and Hashimoto, "Pathways for potentiation of immunogenicity during adjuvant-assisted immunizations with Plasmodium falciparum major merozoite surface protein 1," <i>Infect Immun</i> , 66(11):5329-5336, 1998.
	C70	Ikedo <i>et al.</i> , "Oncolytic virus therapy of multiple tumors in the brain requires suppression of innate and elicited antiviral responses," <i>Nat Med</i> , 5(8):881-887, 1999.
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	C72	Kawakita <i>et al.</i> , "Poxvirus vectors for gene transfer," <i>Acta Urologica Japonica</i> , 43(11):835-838, 1997.
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	C74	Kettle, "Vaccinia virus serpin B12R (SPI-2) inhibits interleukin 1-beta converting enzyme and protects virus-infected cells from TNF- and Fas-mediated apoptosis, but does not prevent IL-1-beta induced fever," <i>J. Gen. Vir.</i> , 78:677-685, 1997.
	C75	Kim <i>et al.</i> , "Replication-selective virotherapy for cancer: biological principles, risk management and future direction," <i>Nat Med</i> , 7(7):781-787, 2001.
	C76	Kim <i>et al.</i> , "The emerging fields of suicide gene therapy and virotherapy," <i>Trends Mol Med</i> , 8(4):S68-S73, 2002.

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	C78	Loparev <i>et al.</i> , "A third distinct tumor necrosis factor receptor of orthopoxviruses," <i>Proc Natl Acad Sci USA</i> , 95:3789-3791, 1998.
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	C80	Mathew <i>et al.</i> , "A mutational analysis of the vaccinia virus B5R protein," <i>J Gen Virol.</i> , 82(Pt 5):1199-1213, 2001.
	C81	McCart <i>et al.</i> , "Complex interactions between the replicating oncolytic effect and the enzyme/prodrug effect of vaccinia-mediated tumor regression," <i>Gene Ther.</i> , 7(14):1217-1223, 2000.
	C82	McCart <i>et al.</i> , "Systemic cancer therapy with a tumor-selective vaccinia virus mutant lacking thymidine kinase and vaccinia growth factor genes," <i>Cancer Res.</i> , 61:8751-8757, 2001.
	C83	McFadden and Murphy, "Host-related immunomodulators encoded by poxviruses and herpesviruses," <i>Curr Opin Microbiol.</i> , 3(4):371-8, 2000.
	C84	Moss, "Poxviridae and Their Replication," In: <i>Fields Virology</i> , Fields <i>et al.</i> (ed.), Raven Publ, New York, pp.953-985, 1996.
	C85	Mossman <i>et al.</i> , "Myxoma virus M-T7, a secreted homolog of the interferon-gamma receptor, is a critical virulence factor for the development of myxomatosis in European rabbits," <i>Virology</i> , 215(1):17-30, 1996.
	C86	Mukherjee <i>et al.</i> , "Replication-restricted vaccinia as a cytokine gene therapy vector in cancer: persistent transgene expression despite antibody generation," <i>Cancer Gene Ther.</i> , 7(5):663-670, 2000.
	C87	Mullen and Tanabe, "Viro! Oncolysis 2002," <i>The Oncologist</i> , 7:106-119, 2002.
	C88	Ng <i>et al.</i> , "The vaccinia virus A41L protein is a soluble 30 kDa glycoprotein that affects virus virulence," <i>J Gen Virol.</i> , 82(Pt 9):2095-105, 2001.

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	C89	Nielsen <i>et al.</i> , "Adenovirus-mediated p53 gene therapy and paclitaxel have synergistic efficacy in models of human head and neck, ovarian, prostate, and breast cancer," <i>Clin Cancer Res.</i> 4(4):835-846, 1998.
	C90	Nielsen <i>et al.</i> , "Adenovirus-mediated p53 therapy synergizes with paclitaxel against human ovarian, mammary, prostate, head and neck, and liver cancer," <i>Cancer Gene Therapy</i> , 4(6):S12, 1997.
	C91	Pietras <i>et al.</i> , "Remission of human breast cancer xenografts on therapy with humanized monoclonal antibody to HER-2 receptor and DNA-reactive drugs," <i>Oncogene</i> , 17(17):2235-2249, 1998.
	C92	Price <i>et al.</i> , "The vaccinia virus B9R protein is a 6 kDa intracellular protein that is non-essential for virus replication and virulence," <i>J Gen Virol</i> , 83(Pt 4):873-8, 2002.
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	C95	Qin <i>et al.</i> , "Interferon-beta gene therapy inhibits tumor formation and causes regression of established tumors in immune-deficient mice," <i>Proc Natl Acad Sci USA</i> , 95(24):14411-14416, 1998.
	C96	Reading <i>et al.</i> , "Vaccinia virus CrmE encodes a soluble and cell surface tumor necrosis factor receptor that contributes to virus virulence," <i>Virology</i> , 292(2):285-98, 2002.
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Form PTO-1449 (modified)		Atty. Docket No. KIRN:002US	Serial No. 10/524,932
List of Patents and Publications for Applicant's		Applicant David Kirn Steve H. Thorne	
INFORMATION DISCLOSURE STATEMENT		Filing Date: January 4, 2006	Group: 1648
(Use several sheets if necessary)			
U.S. Patent Documents <i>See Page 1</i>	Foreign Patent Documents <i>See Page 1</i>	Other Art <i>See Page 1-10</i>	

Other Art (Including Author, Title, Date Pertinent Pages, Etc.)

Exam. Init.	Ref. Des.	Citation
	C101	Siemens <i>et al.</i> , "Comparison of gene transfer and expression of viral vectors in an orthotopic murine bladder cancer model," <i>Journal of Urology</i> , 170(3):979-84, 2003..
	C102	Sinkovics and Horvath, "Newcastle disease virus (NDV): brief history of its oncolytic strains," <i>J Clin Virol</i> , 16:1-15, 2000.
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	C113	Timiryasova <i>et al.</i> , "Antitumor effect of vaccinia virus in glioma model," <i>Oncol Res</i> , 11:133-144, 1999.
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U.S. Patent Documents <i>See Page 1</i>	Foreign Patent Documents <i>See Page 1</i>	Other Art <i>See Page 1-10</i>	

Other Art (Including Author, Title, Date Pertinent Pages, Etc.)

Exam. Init.	Ref. Des.	Citation
	C116	Tscharke <i>et al.</i> , "Dermal infection with vaccinia virus reveals roles for virus proteins not seen using other inoculation routes," <i>J. Gen. Virol.</i> , 83:1977-1986, 2002.
	C117	Upton <i>et al.</i> , "Myxoma Virus Expresses a Secreted Protein with Homology to the Tumor Necrosis Factor Receptor Gene Family That Contributes to Viral Virulence," <i>Virology</i> , 184(1):370-382, 1991.
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